

§ 776.68 Reporting professional misconduct.

(a) *Reporting professional misconduct.*
 (1) A judge advocate having knowledge that another judge advocate has committed a violation of this subpart that raises a substantial question as to that judge advocate's honesty, trustworthiness, or fitness as a judge advocate in other respects, shall report such a violation pursuant to regulations promulgated by the Judge Advocate General.

(2) A judge advocate having knowledge that a judge has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's fitness for office shall report such a violation pursuant to regulations promulgated by the Judge Advocate General.

(3) This section does not require disclosure of information otherwise protected by § 776.25.

(b) [Reserved]

§ 776.69 Misconduct.

(a) *Misconduct.* (1) It is professional misconduct for a judge advocate to:

(i) Violate or attempt to violate this subpart, knowingly assist or induce another to do so, or do so through the acts of another;

(ii) Commit a criminal act that reflects adversely on the judge advocate's honesty, trustworthiness, or fitness as a judge advocate in other respects;

(iii) Engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

(iv) Engage in conduct that is prejudicial to the administration of justice;

(v) State or imply an ability to influence improperly a government agency or official; or

(vi) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law.

(2) [Reserved]

(b) [Reserved]

§ 776.70 Jurisdiction.

Judge advocates shall be governed by this part.

§§ 776.71–776.75 [Reserved]**Subpart C—Complaint Processing Procedures****§ 776.76 Policy.**

(a) It is JAG's policy to expeditiously and fairly investigate and resolve all allegations of professional impropriety lodged against attorneys under JAG supervision. (As used hereinafter, the term "judge advocates" refers to all attorneys under JAG supervision.)

(b) JAG approval will be obtained through the Rules Counsel before conducting any formal investigation or preliminary inquiry into an alleged violation of subpart B or the Code of Judicial Conduct. The preliminary inquiry and subsequent investigation will be conducted according to the procedures set forth in this part.

§ 776.77 Related investigations and actions.

Acts or omissions may constitute professional misconduct, criminal misconduct, or poor performance of duty. Care must be taken to distinguish among the different aspects of a judge advocate's conduct to determine who may take official action.

(a) Legal ethics and questions involving the professional misconduct of judge advocates are within the exclusive province of JAG. Ethical or professional misconduct will not be attributed to any judge advocate in any official record without a final JAG determination, made under this part, that such misconduct has occurred.

(b) Poor performance is properly addressed by the judge advocate's reporting senior through a variety of administrative actions, including fitness reports. Criminal misconduct is properly addressed by the judge advocate's commander through disciplinary action under the UCMJ or through referral to appropriate civil authority.

(c) Prior JAG approval is not required to investigate allegations of criminal conduct or poor performance of duty involving judge advocates.

(d) When, however, investigations into criminal conduct or poor performance reveal conduct that constitutes a violation of this part, or of the Code of Judicial Conduct in the case of judges,